

Volume: I
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 Exhibits: NONE

COMMONWEALTH OF MASSACHUSETTS
 HAMPDEN, SS. SUPERIOR COURT DEPARTMENT
 OF THE TRIAL COURT

* * * * *
 COMMONWEALTH OF MASSACHUSETTS *

v. * Docket No. 12-43

AYYUB ABDUL-ALIM, *
 Defendant *

* * * * *

MOTION HEARING
 BEFORE THE HONORABLE JOHN FERRARA

APPEARANCES:

For the Commonwealth:
 Hampden County District Attorney's Office
 50 State Street
 Springfield, Massachusetts 01103
 By: Frank Flannery, Assistant District Attorney

For the Defendant Abdul-Alim
 By: Thomas Robinson, Esquire

Springfield, Massachusetts
 Courtroom 5
 August 28, 2013

Sara E. Adams
 Official Court Reporter

I N D E X

1

2 IMPANELMENT

PAGE:

3 OPENING STATEMENT:
4 For the Commonwealth
5 For the Defendant

5

6 WITNESS: DIRECT CROSS REDIRECT RECROSS

7 Ronald Sheehan
8 (By Mr. Robinson) 26

8

9

10 EXHIBITS:
11

12 FOR IDENTIFICATION:
13

13

14 CLOSING ARGUMENT:
15 For the Defendant
16 For the Commonwealth

16

JURY CHARGE

17

VERDICT

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1 (Court called to order.)
2 (Defendant is not present.)
3 (11:49 a.m.)

3

4 THE CLERK: Your Honor, the next matter is 12-43,
5 Commonwealth versus Ayyub Abdul-Alim. For the
6 Commonwealth, Assistant District Attorney Frank
7 Flannery. For the defendant, Attorney Thomas Robinson.

8 THE COURT: All right. Good morning, Counsel. Sorry
9 to kept you waiting. I had another draft decision I had
10 to finish up before I could hear this matter.

11 I'm going to ask for a little bit of
12 clarification. It appears to me this is a discovery
13 issue?

14 MR. ROBINSON: Yes, your Honor.

15 THE COURT: The defendant had previously moved for
16 certain documents or records from a -- from local law
17 enforcement agencies and federal agencies. The request
18 had been denied. However, the court then heard the
19 motion, indicated that he would permit a voir dire of
20 Officer Sheehan as to how he was familiar with the
21 defendant, Mr. Abdul.

22 MR. ROBINSON: That's correct.

23 THE COURT: It's on today for that voir dire?

24 MR. FLANNERY: Correct.

25 THE COURT: Can you -- Mr. Robinson?

1 MR. ROBINSON: Yes.

2 THE COURT: You can have a seat. Attorney
3 Flannery, for a moment.

4 Oh, we need the defendant.

5 THE COURT OFFICER: He's en route.

6 THE COURT: He's held.

7 THE COURT OFFICER: All right.

8 THE COURT: Let's get him out here.

9 MR. ROBINSON: Your Honor, I would ask that my
10 client's handcuffs be put in the front.

11 THE COURT: Sure.

12 (The defendant is present.)

13 THE CLERK: Your Honor, the record should reflect
14 that the defendant, Mr. Ayyub Abdul-Alim, is present in
15 the court on Docket 12-43.

16 THE COURT: Want him to join you at the table?

17 MR. ROBINSON: I would ask him to join me at the
18 table.

19 THE COURT: Officer Nieves, do you feel he needs to
20 be cuffed or?

21 THE COURT OFFICER: No, your Honor.

22 THE COURT: All right. So, Mr. Robinson, if you
23 could give me a little bit of background here so I
24 understand what the scope of this hearing is, what it's
25 anticipated to be.

1 MR. ROBINSON: Yes, your Honor.

2 Essentially, my client is charged with a
3 firearms offense and it came about as a result of a
4 warrantless arrest and search of my client. The officer
5 who's the subject of the voir dire hearing was involved
6 in that arrest and had indicated in his police report
7 that Mr. Abdul-Alim was a subject who was known to him
8 and known to carry firearms.

9 There was a motion seeking clarification on
10 how it was that Officer Sheehan knows Mr. Abdul-Alim.

11 THE COURT: Let me interrupt you for a moment
12 there. The motion that was previously ruled on was
13 captioned -- a motion for discovery of joint task force
14 reports. Is that the motion you're referring to?

15 MR. ROBINSON: No. The motion I'm referring to
16 preceded that. Actually, it may never have been ruled
17 on.

18 Essentially, we worked out an agreement and
19 the Commonwealth essentially provided Officer Sheehan to
20 me in the hallway and said, you know, tell how you know
21 him. He indicated to me he was familiar with
22 Mr. Abdul-Alim from the work on the joint gang task
23 force and joint counter-terrorism task force. That
24 motion followed. As you see, Judge Moriarty denied the
25 access to the joint task force records but granted this

1 voir dire.

2 The -- in terms of the parameters of what
3 we're doing today, I think the Commonwealth will agree
4 that we're in sort of a gray area in terms of what I'm
5 permitted to ask about joint counter-terrorism task
6 force activities, investigations, and certainly an area
7 I wish to go into. I think the Commonwealth will
8 indicate that Officer Sheehan is prohibited from
9 discussing those things.

10 It would be our position that any federal
11 law or any law that prohibits him from discussing those
12 investigations would be trumped by my client's
13 constitutional rights under the United States
14 Constitution, the highest law of the land, his right to
15 confront his accuser, his right to due process and a
16 fair trial.

17 THE COURT: All right.

18 MR. FLANNERY: Good morning, your Honor.

19 THE COURT: I'll hear from you. Good morning.

20 MR. FLANNERY: Your Honor, I picked up this case
21 fairly recently. The attorney who was handling the case
22 left the office about six weeks ago. So I can't shed
23 much more light on the discovery motion from which this
24 order originated.

25 I can tell the Court that from my viewpoint,

1 the procedural history is a little confused. It appears
2 that a request was made for files concerning other
3 investigations that would have been conducted by both
4 the gang task force and the joint terrorism task force.
5 That motion was denied, but as the Court can see,
6 there's an endorsement indicating that the defendant
7 could conduct a voir dire of Officer Sheehan concerning
8 how he knows him.

9 As counsel has pointed out, to a certain
10 extent that information has been provided just not
11 through the more formal procedure voir dire hearing.
12 Counsel has also mentioned, depending on how broadly the
13 Court interprets Judge Moriarty's endorsement with
14 respect to the voir dire, there may be an issue.

15 I informed Officer Sheehan about the hearing
16 today on Monday. We were in front of Judge Rup who
17 scheduled the hearing for today. After I spoke to
18 Officer Sheehan, I spoke to Dana Katz who is the
19 division attorney for the FBI, and I also spoke to Paul
20 Smith, and what I learned from them, as a member of the
21 joint terrorism task force, Officer Sheehan is
22 prohibited by federal regulation from discussing the
23 details of any of those investigations without the
24 authority of the Attorney General.

25 So, if the Court feels that we need to get

1 into those details, I would argue that we don't. But if
2 the Court disagrees, I would be forced at that point to
3 ask for a continuance and start that process. I'm
4 informed it takes --

5 THE COURT: Start what process?

6 MR. FLANNERY: The process to get permission to
7 talk about certain things in the other files in this
8 case.

9 THE COURT: Let me ask you this: When did Officer
10 Sheehan inform you there were restrictions on what he
11 could divulge?

12 MR. FLANNERY: The first I learned about it was
13 Monday. I don't know to what extent. I don't see any
14 notes in my file.

15 THE COURT: You've answered my question. Now my
16 next question: When did you speak with Assistant U.S.
17 Attorney Paul Smith?

18 MR. FLANNERY: Yesterday.

19 THE COURT: They're aware of the hearing scheduled
20 today?

21 MR. FLANNERY: They are aware of the hearing
22 scheduled today. They don't have an objection to
23 Officer Sheehan testifying about this case, about the
24 information that led to this case, about the source of
25 that information, although it was his confidential

1 informant, and I don't think that's what this motion is
2 about.

3 But to the extent that the Court views,
4 again, Judge Moriarty's endorsement broadly to include
5 every detail that Officer Sheehan knows about the
6 defendant and some of those details would relate to a
7 confidential or classified investigation either past or
8 present conducted by the joint terrorism task force, we
9 would need to go through that process.

10 First, we need to know what information or
11 what kind of information we would -- would be required
12 to testify about so that he could inform the attorney
13 general through -- I'm not sure what the process is.
14 But I understand it takes a couple of weeks as to what
15 information he would be required to divulge. Then we
16 would have to get permission from the attorney general
17 to divulge that information.

18 Your Honor, my -- I guess -- I don't want to
19 put the cart before the horse. My argument will be that
20 none of that really needs to be divulged. That in terms
21 of his familiarity, there's plenty of information we can
22 give him without going into the details of some of the
23 unrelated investigations and files. And that to get
24 into too much detail, I think is an end run around Judge
25 Moriarty's denial of the defendant's motion for those

1 files.

2 THE COURT: Well, a couple of observations. Judge
3 Moriarty's endorsement was January 2nd of this year. I
4 presume at some point someone in your office
5 communicated with Officer Sheehan informing him that a
6 hearing would be conducted and he would have to testify.

7 So I'm not sure why these issues are arising
8 in, you know, in August of this year. It's been seven
9 months.

10 Aside from that, the underlying details are
11 somewhat murky to me. This was a motor vehicle stop?

12 MR. ROBINSON: No, your Honor. There was no motor
13 vehicle.

14 THE COURT: Tell me what the stop was.

15 MR. ROBINSON: According to the police report, the
16 Springfield Police Department was doing a narcotics
17 investigation on a particular vehicle. It was located
18 in the area of State Street in Springfield at a Getty
19 Mart there.

20 While they were conducting their
21 investigation of that, Officer Sheehan is doing
22 surveillance of the scene. There are two police
23 officers who are conducting an identity check of the
24 person operating that white Jeep.

25 While that's occurring, Mr. Abdul-Alim walks

1 nearby and is apparently recognized by Officer Sheehan,
2 who's conducting surveillance. And according to the
3 police report, he's, as I said before, a known subject,
4 subject known to carry firearms. And I believe there's
5 also an indication that a confidential informant
6 provided information, specific information that he was
7 carrying firearm. On this basis Officer Sheehan ordered
8 the police officers to stop and search my client.

9 And so, again, in terms of what this voir
10 dire is about is how it is that Officer Sheehan knows my
11 client, how he came to know that my client was somebody
12 known to carry firearms.

13 THE COURT: What information has been disclosed
14 thus far with respect to not necessarily the identity of
15 the confidential informant but the basis of knowledge
16 and voracity of the confidential informant; anything?

17 MR. ROBINSON: There hasn't been any disclosure at
18 this time.

19 MR. FLANNERY: If I could elaborate?

20 THE COURT: Yeah.

21 MR. FLANNERY: The stop occurred in December of
22 2011. It was based on information that came by way of a
23 confidential informant. I don't believe there's been a
24 motion to disclose the identity of that informant. I
25 don't think that is necessarily fair game for this

1 hearing.

2 But I can tell the Court, I think Officer
3 Sheehan can tell the Court that that informant was a
4 traditional law enforcement source who's not an
5 informant that came by way of a joint terrorism task
6 force investigation. Officer Sheehan is also a police
7 officer with the Springfield Police Department and a
8 member of the gang task force.

9 The informant gave information concerning
10 not only the fact that the defendant would be armed but
11 was concerning a drug deal that was expected to occur on
12 the evening of the stop.

13 There was another informant that
14 corroborated that informant that the defendant carried a
15 firearm on a regular basis. Again, that was from a sort
16 of a traditional law enforcement source. It was not
17 information that came from a joint terrorism
18 investigation of the defendant.

19 And I expect, because I've been told by
20 Officer Sheehan, that none of the information that led
21 to any of his actions that evening, any of the actions
22 of the officers under his control, the stop, the search,
23 the arrest, the charge of the defendant came from
24 information that was gleaned from information by the
25 joint terrorism task force.

1 I also expect that Officer Sheehan will
2 testify that well before he became a member of that task
3 force, he was familiar with the defendant in a number of
4 ways, both in terms of investigations --

5 THE COURT: You've confused me a little bit.

6 MR. FLANNERY: Sorry.

7 THE COURT: It's okay. It is not your fault. It
8 may be my fault. I'm confused. I'm going to try to
9 clarify.

10 So, as I understand it, on this date in
11 December -- what was the date in December?

12 MR. FLANNERY: December 9th.

13 THE COURT: Officer Sheehan had information from
14 two confidential informants relative to this defendant
15 and none of those informants were informants that were
16 being utilized by the joint terrorism task force? I
17 should say neither was an informant being utilized by
18 the joint terrorism task force?

19 MR. FLANNERY: Correct.

20 THE COURT: Was it based on that information that
21 this defendant was detained and searched?

22 MR. FLANNERY: That would be Officer Sheehan's
23 testimony.

24 THE COURT: Based solely on the informant of the
25 informants?

1 MR. FLANNERY: Yes.

2 THE COURT: There was nothing observed regarding
3 Mr. Abdul-Alim's conduct on that date that was relied
4 upon to make the arrest?

5 MR. FLANNERY: No, I don't believe so, your Honor.

6 THE COURT: Okay. In addition to the information
7 provided by the two informants, Officer Sheehan
8 otherwise knew this defendant?

9 MR. FLANNERY: Yes.

10 THE COURT: Had direct dealings with him on some
11 prior occasion?

12 MR. FLANNERY: Direct dealings both in his capacity
13 as a police officer and a member of the gang task force
14 and also just encounters with him in various spots not
15 relating to any investigation whatsoever.

16 THE COURT: Okay. Is that -- does that comport with
17 your understanding, sir?

18 MR. ROBINSON: For the most part.

19 THE COURT: All right.

20 So, let me see if I can, for your benefit
21 and for mine, clarify the scope of this voir dire. It
22 will include -- do you need a moment?

23 MR. ROBINSON: No, your Honor.

24 THE COURT: It will include how Officer Sheehan
25 knew the defendant prior to that date in terms of his

1 direct interactions with the defendant. All right. It
2 will include not the identity of the informants but any
3 information about their basis of knowledge and -- and
4 their reliability, unless you think that -- that that
5 would be something that's of concern to the federal
6 government. I don't see how it could be since they were
7 not federal informants, as I understand it, or at least
8 not informants being utilized by the joint terrorism
9 task force. And I think that's the scope of this
10 hearing. All right.

11 MR. ROBINSON: Just for clarification, if I were to
12 ask questions about the joint counter-terrorism task
13 force and what Officer Sheehan knew of my client based
14 upon his work with the joint counter-terrorism task
15 force, your Honor is ruling that's out of bounds or is
16 that --

17 THE COURT: Well, I guess I would have to hear the
18 testimony first of how Officer Sheehan knew your client.
19 But that issue seems pretty narrow. That seems to be
20 more focussed on your client's identity.

21 Based on the representations of Attorney
22 Flannery, any other -- any information he had about your
23 client from his involvement with the joint terrorism
24 task force was not relied upon for making the stop on
25 December 9th. The information relied upon, or at least

1 Attorney Flannery's understanding, that may be -- may be
2 that the testimony of Officer Sheehan will be somewhat
3 different, but the information relied upon was
4 information provided by the two informants.

5 So if you want to obtain this information in
6 order to determine whether there's a motion to suppress
7 and in support of that motion to suppress, I think
8 you'll gather what you need. And to the extent that
9 you're able to -- able to limit the information relied
10 upon that came from the informant, would seem to me
11 that's probably advantageous to the defendant.

12 Do you agree?

13 MR. ROBINSON: I would agree.

14 THE COURT: So I don't think that the defendant is
15 prejudiced by my limiting the scope to what I just
16 stated, unless, of course, Officer Sheehan testifies
17 that there were grounds other than that provided by the
18 informants, in which case we'll visit the issue. Okay.

19 MR. ROBINSON: The only thing I point out, your
20 Honor, is that just generally, when the courts are
21 analyzing the reasonableness of police conduct, they are
22 going to look at the totality of the circumstances. And
23 I would suggest part of the totality of the
24 circumstances would include his knowledge of
25 Mr. Abdul-Alim through his work through the joint

1 counter-terrorism task force.

2 THE COURT: I understand all of that. What I'm
3 telling you is that if he had other information that
4 would tend to suggest that your client was involved in
5 criminal activity but he didn't rely on that in making
6 the stop, I don't see how you're disadvantaged by that.
7 I think that's to your client's advantage if that wasn't
8 the basis.

9 I think it would be an unusual scenario
10 where you want to argue, well, no, in addition to the
11 information he had, could have known this, this or that,
12 and I need to discover that. If he didn't rely on it, I
13 think that's advantageous to your client. Unless you
14 think I'm missing something.

15 MR. ROBINSON: Well, that's certainly true in terms
16 of the analysis for the motion to suppress. It would be
17 a different story in terms of the trial, trial
18 preparation. So there's --

19 THE COURT: You'd want to be keeping that out.

20 MR. ROBINSON: No, I might want that in, your
21 Honor.

22 THE COURT: You might want in the fact that your
23 client --

24 MR. ROBINSON: Was the subject.

25 THE COURT: -- was the subject of a joint terrorism

1 task force investigation?

2 MR. ROBINSON: Yes, your Honor. It would, in fact,
3 be interval to the defense.

4 THE COURT: Okay. That's interesting. Well, I have
5 to ask you to explain that. I don't know if you wish
6 to. That might be --

7 MR. ROBINSON: I'd be happy to, your Honor. It's
8 not any secret at this point.

9 THE COURT: I don't know if it's work product,
10 that's all.

11 MR. ROBINSON: No. No. Let me confer. Essentially,
12 your Honor, the defense position at trial would be that
13 a firearm that was found on Mr. Abdul-Alim was planted
14 on him by the police, and that the motivation for the
15 firearm being planted on him was that the FBI in
16 particular had -- had a long-standing interest in him
17 for information potentially as an informant. And
18 essentially because he was not cooperative, a gun was
19 planted on him in order to get him to become
20 cooperative. And that will be the theory that we present
21 at trial, your Honor.

22 So, such there is any --

23 THE COURT: What do you think should be the
24 additional scope of this hearing, Officer Sheehan's
25 involvement with that task force?

1 MR. ROBINSON: I would want to know the identities
2 of FBI agents who were involved in the task force and
3 involved in any investigation of Mr. Abdul-Alim. I want
4 to know what he was being investigated for, how long he
5 had been investigated, what their interest in him was. I
6 would want to know if they had specific interest in him
7 as an informant, if that was documented. I have
8 information that they have interviewed him in the past
9 and want information with respect to prior --

10 THE COURT: "They" meaning members of the task
11 force?

12 MR. ROBINSON: Specifically the FBI but I would
13 assume that was part of the task force. I don't know at
14 this stage, your Honor.

15 THE COURT: So -- so I'm clear, you want to know
16 the members of the task force?

17 MR. ROBINSON: Yes. I believe I'm aware of one
18 agent. That's already documented in --

19 THE COURT: That's all right.

20 MR. ROBINSON: -- discovery.

21 THE COURT: I'm not asking what you know. I'm
22 asking what you're trying to discover in this hearing.
23 Members of the task force, prior interactions with your
24 client?

25 MR. ROBINSON: Specifically task force

1 interactions.

2 THE COURT: Right.

3 MR. ROBINSON: Yes.

4 THE COURT: What else?

5 MR. ROBINSON: The -- how long any investigation
6 has been ongoing with respect to my client. How long the
7 task force has had interest in Mr. Abdul-Alim.

8 THE COURT: Is that different than how long the
9 investigation has been ongoing?

10 MR. ROBINSON: Well, I -- I guess it may just be
11 semantics. An investigation is one thing, you know, if
12 they're investigating him for crimes. They may just
13 have an interest in him based upon his associates.

14 THE COURT: What else?

15 MR. ROBINSON: The -- what crimes he was being
16 investigated for, if any. If he was simply a person of
17 interest, what was the basis of the joint task force
18 interest in Abdul-Alim.

19 THE COURT: So -- you've given me basically six
20 categories of joint task force information that you're
21 interested in, although there may be considerable
22 overlap in a few of them. You're not interested in all
23 the members of the task force.

24 You're interested in those members of the
25 task force who had any involvement in scrutinizing or

1 investigating your client?

2 MR. ROBINSON: Correct.

3 THE COURT: Or all members?

4 MR. ROBINSON: No, it would only be those members
5 who are in some way involved, had an interest in or
6 investigated Mr. Abdul-Alim.

7 THE COURT: All right.

8 MR. ROBINSON: Then I guess also this may fit
9 within the categories I already outlined, but I would
10 also want to know what their awareness was in terms of
11 my -- speaking about the joint counter-terrorism task
12 force, what their awareness was of my client with
13 respect to his ties to the Muslim community here in
14 Springfield as well as in New York. In addition to
15 that, their interest in my client's father who's also a
16 prominent individual in the Muslim community in New
17 York.

18 THE COURT: All right. So now I'll give you just a
19 moment -- an opportunity to respond in just a moment.
20 Now I have to go back to the earlier motions to see what
21 was sought in those motions and what was denied.

22 So, I have the defendant's motion for
23 discovery of joint task force reports. You said there
24 was an earlier motion. What date was the earlier motion
25 filed and how is it captioned?

1 MR. ROBINSON: Yes, your Honor.

2 THE COURT: Let's see who finds it first. Whoever
3 finds it first, let the other one know. I see a motion
4 -- defendant's motion for discovery of identification
5 information. Is that the motion?

6 MR. ROBINSON: I believe so, your Honor.

7 THE COURT: There was no ruling on that. Why was
8 there no ruling on that motion, if you know? Was it ever
9 presented?

10 MR. ROBINSON: I believe that on the date that the
11 motion was scheduled to be heard, if memory serves,
12 essentially ADA Lamasa arranged an informal meeting
13 between myself and Officer Sheehan so he could explain
14 what his --

15 THE COURT: You've got some explanation from
16 Officer Sheehan. Was there a third person present other
17 than Mr. Lamasa?

18 MR. ROBINSON: No, your Honor.

19 THE COURT: All right. So, Attorney Flannery.

20 MR. FLANNERY: Your Honor, it seems to me that
21 everything that counsel has just requested goes beyond
22 the parameters the Court just set. It would relate to
23 material that he already requested in the form of files,
24 and Judge Moriarty has already denied those requests.

25 None of that information, that would be the

1 identity of the other officers, etc., goes to what Judge
2 Moriarty allowed, which is a voir dire as to Officer
3 Sheehan, how he's familiar with him.

4 So, if the Court is entertaining those
5 additional requests, I think it should be by way of a
6 separate motion and not part of this voir dire.

7 THE COURT: I heard you. I'm not ignoring your
8 statement. I'm now looking back at an affidavit filed
9 in support of an earlier motion. Give me a moment,
10 please.

11 MR. FLANNERY: Yes, your Honor.

12 THE COURT: All right. It's hard for me to
13 ascertain from Judge Moriarty's endorsement the basis
14 for his denial. One of the problems with a margin
15 endorsement is you don't -- you don't really get any
16 explanation as to the underlying reasoning or even the
17 scope of the discovery that he contemplated by the voir
18 dire hearing.

19 What we're going to do is we're going to do
20 a voir dire hearing. It will be limited in scope to
21 what I stated, and if you -- if the -- I noticed you
22 already filed the motion to suppress evidence; is that
23 correct?

24 MR. ROBINSON: That's correct.

25 THE COURT: It's just not been heard.

1 MR. ROBINSON: Correct.

2 THE COURT: We'll do the hearing. We'll allow you
3 to examine Officer Sheehan to the extent that I
4 indicated, meaning his own familiarity with your client
5 and the information relevant to the two confidential
6 informants.

7 I suggest that if you want more specific
8 discovery, that you file a -- a discovery motion that's
9 perhaps somewhat narrower than that previously filed and
10 specifies these seven categories of information that you
11 want and re-present that motion, and at least then the
12 court contemplating it won't be concerned about
13 producing information that may not be directly relevant
14 to your client but more probative of the workings and
15 the composition of the task force. Okay.

16 MR. ROBINSON: Yes, your Honor.

17 THE COURT: Let's proceed with the hearing.

18 MR. ROBINSON: Note my objection for the record.

19 THE COURT: Well your objection to what?

20 MR. ROBINSON: To the limit -- limitation of the
21 scope of the voir dire. As I previously said, I believe
22 my client has a right under the United States
23 Constitution to confront his accuser.

24 THE COURT: I understood your argument. I don't
25 disagree with you that your client has the right. I'm

1 not restricting you on what you may discover, but I am
2 restricting you on the specific questions you can ask of
3 this officer at this time.

4 If you file the motion as I've suggested and
5 it's denied, then, you know, you have further recourse.
6 But your objection is noted.

7 MR. ROBINSON: Thank you, your Honor.

8 MR. FLANNERY: Judge, I don't know how the Court
9 wishes to proceed. One suggestion would be for me to
10 call Officer Sheehan to do a direct -- I think I'm
11 familiar with how he is familiar with the defendant --
12 within the parameters that the Court just set and
13 Attorney Robinson can go from there.

14 THE COURT: No, we'll do it in different order.
15 I'll let Officer Sheehan testify and I'll let Attorney
16 Robinson put his questions. You may object if you think
17 that the information sought is either irrelevant or
18 beyond the scope of what I've indicated are the
19 parameters.

20 MR. FLANNERY: Yes, your Honor.

21 THE COURT: I think that will be a cleaner and more
22 effective way to do this.

23 MR. FLANNERY: Thank you.

24 THE COURT: Is this Officer Sheehan?

25 MR. FLANNERY: Yes.

1 THE COURT: Good afternoon, Officer Sheehan. You
2 may take the stand.

3 RONALD SHEEHAN, (SWORN)

4 THE WITNESS: Is there a possibility I could get
5 some water so I don't get parched?

6 THE COURT: Officer Nieves, could you get some
7 water. Is this today's water here?

8 THE COURT OFFICER: It is.

9 THE COURT: It's an important inquiry you always
10 need to make whether it's today's water. You only need
11 to get last week's water once.

12 DIRECT EXAMINATION

13 BY MR. ROBINSON

14 Q. Good afternoon, Officer Sheehan.

15 A. Good afternoon.

16 Q. I'm Thomas Robinson. I represent Ayyub
17 Abdul-Alim. Could you state your name for the record.

18 A. Officer Ronald Edward Sheehan.

19 Q. Who's your employer?

20 A. City of Springfield. Specifically the
21 Springfield Police Department.

22 Q. And how long have you been employed there?

23 A. Twenty-five years in November.

24 Q. Okay. And I would like to briefly bring you back
25 by way of background to December 9 of 2011. You were

1 involved in the arrest of Ayyub Abdul-Alim on that
2 date; is that correct?

3 A. That's correct.

4 Q. You wrote a report that same day about that
5 arrest?

6 A. That is correct.

7 Q. In that report you detailed the events prior to
8 the arrest?

9 A. That is correct, yes.

10 Q. Okay. And in that report you indicated you were
11 involved in a narcotics investigation?

12 A. That is correct.

13 Q. And you were looking into a white male who was
14 known to be operating a white Jeep in the vicinity of
15 the Getty Mart located at 671 State Street?

16 A. That's correct.

17 Q. Now, the target of that investigation, according
18 to the report, was the gentleman who was operating --
19 the white male gentleman who was operating that white
20 Jeep; is that correct?

21 A. At that particular time and place, that was my
22 interest.

23 Q. Okay. So at that time, Ayyub Abdul-Alim was not
24 the target of the narcotics investigation?

25 A. He was involved with the entire narcotics

1 investigation and that's why I was planning my
2 observations to determine if a particular event was
3 going to take place.

4 Q. So Ayyub Abdul-Alim was the target of a
5 narcotics investigation at that time; correct?

6 A. I was investigating numerous individuals in that
7 area of which one of the subjects of the investigation
8 was Mr. Abdul-Alim.

9 Q. And you were conducting surveillance of that
10 area from across the road; is that correct?

11 A. That's correct.

12 Q. And you ordered Officers Berrios and Sowers, who
13 were in a marked cruiser near the scene, they were
14 ordered to make an identification of the driver of that
15 Jeep; is that correct?

16 A. That is correct.

17 Q. Okay. And while they were questioning the
18 driver, you saw someone in a red jacket approaching the
19 scene; is that correct?

20 A. Correct.

21 Q. Okay. And you indicated in your police report
22 that you identified that person as Ayyub Abdul-Alim?

23 A. That is correct.

24 Q. Okay. And incidentally, you weren't using
25 binoculars at that time, were you?

1 A. No, I was not.

2 Q. Okay. Now, in your police report you indicated
3 that Mr. Abdul-Alim is a known subject who is known to
4 have been arrested with firearms in the past; is that
5 correct?

6 A. That is correct.

7 Q. Okay. Now, you have never been involved in an
8 arrest of Ayyub Abdul-Alim for firearms charges; is
9 that correct, prior to this?

10 A. I was aware of investigations that occurred, yes.

11 Q. You were aware of previous investigations that
12 occurred but you were never involved with an arrest of
13 Mr. Abdul-Alim as a result of firearms charges prior to
14 this case?

15 A. No. I was involved with debriefings that
16 eventually led to the arrest of Mr. Abdul-Alim with
17 firearms -- that involved firearms.

18 Q. So, you were involved in arrests -- you were
19 involved in investigations that resulted in arrests.
20 Did that arrest result in a conviction for a firearms
21 charge?

22 A. No. That arrest is documented in the affidavit
23 that I submitted on December 10, 2012 {sic} which
24 documents my participation in that event.

25 THE COURT: Let me interrupt. When you say that

1 arrest is documented in an affidavit that you submitted
2 on September 10, 2012, {sic} is that in this court in
3 this matter?

4 THE WITNESS: Yes.

5 THE COURT: Thank you.

6 BY MR. ROBINSON

7 Q. So, now, in terms of the -- you had relied upon
8 confidential informants to assist you in this narcotics
9 investigation on December 9, 2011; is that correct?

10 A. I'm sorry.

11 Q. That's okay. You had relied upon information
12 from confidential informants to assist you with your
13 investigation on December 9, 2011; is that correct?

14 A. That's correct.

15 Q. Okay. And there were two separate informants;
16 is that correct?

17 A. That's correct.

18 Q. Okay. And one of those informants had
19 information about the gentleman in the white Jeep, the
20 white male operating the Jeep; is that correct?

21 A. That's correct.

22 Q. And one of those informants had information
23 about Mr. Ayyub Abdul-Alim; is that correct?

24 A. There were two informants that also had
25 information about Mr. Abdul-Alim in possession of

1 handguns.

2 THE COURT: Possession of what?

3 THE WITNESS: Of handguns.

4 BY MR. ROBINSON

5 Q. All right. So there were two confidential
6 informants and both of the confidential informants had
7 information that Mr. Abdul-Alim had handguns on his
8 person?

9 A. Yes, known to carry.

10 Q. So, in total we're talking about two
11 confidential informants involved in this investigation
12 and no more?

13 A. That's correct.

14 Q. And one of them had information about the white
15 Jeep as well as information about Ayyub, and one just
16 had information about Mr. Ayyub Abdul-Alim; is that
17 correct?

18 A. Yes.

19 Q. Let me clarify.

20 A. Yes.

21 Q. Let me clarify.

22 A. I think I can say yes to that.

23 Q. Let me just clarify that a little bit. There's
24 two informants, as previously stated. One of them had
25 information with respect to the white male in the white

1 Jeep, and then you indicated also had information with
2 respect to Mr. Abdul-Alim carrying a firearm; is that
3 correct?

4 A. That's correct.

5 Q. And one of them just had information about
6 Mr. Abdul-Alim and the firearm; is that correct?

7 A. Correct.

8 Q. Okay. So, in terms of the individual who had
9 information about Mr. Abdul-Alim just with respect to a
10 firearm, what was that individual's basis of knowledge?
11 How did they know that information?

12 MR. FLANNERY: Your Honor, I would just -- I would
13 object to the extent that that question requires an
14 answer that would essentially identify, without naming
15 the informant, the informant. So I would ask that
16 Officer Sheehan be able to answer that question in
17 fairly general terms --

18 THE COURT: Right.

19 MR. FLANNERY: -- to satisfy both ends of that --
20 of your instructions.

21 THE COURT: Right. So I can either sustain an
22 objection to the question because it will tend to elicit
23 information that's privileged, the informant privilege,
24 or I could instruct the officer to limit his answer.
25 But I think probably the easier course would be to

1 simply sustain the objection and have you ask specific
2 questions which would not cause the Commonwealth to have
3 to invoke a privilege.

4 MR. ROBINSON: Yes, your Honor.

5 THE COURT: All right.

6 MR. FLANNERY: Thank you.

7 THE COURT: Objection sustained.

8 BY MR. ROBINSON

9 Q. So, getting back to the informant who had -- who
10 only had information with respect to Mr. Abdul-Alim
11 carrying a firearm. That individual, did they have
12 direct dealings with Mr. Abdul-Alim?

13 A. There's -- with regards to firearms, there's two
14 individuals that indicated that he carries firearms and
15 both of them have direct knowledge or interaction,
16 whatever the -- with Mr. Abdul-Alim.

17 Q. So both of the informants, they were not relying
18 upon information from other sources to give you that
19 information?

20 A. No.

21 Q. So both of the individual -- both confidential
22 informants directly observed Mr. Abdul-Alim in
23 possession of firearms?

24 A. At this point --

25 MR. FLANNERY: Object just given the timing. That

1 narrows it down significantly in terms of who those
2 people could be. I think we're getting into an area
3 where, again, we're crossing the line from one part of
4 your ruling to the other.

5 THE COURT: Well, I don't want to conduct the
6 examination, but let me suggest this: In terms of the
7 basis of knowledge, you might explore when Officer
8 Sheehan was provided that information so that you can
9 determine whether or not it's fresh or stale. It's my
10 understanding that it didn't come in the context of the
11 joint terrorism task force. So you could certainly
12 explore -- I actually think the question was
13 permissible. Did they make direct observations or did
14 they claim to have made direct observations of the
15 defendant with the firearm.

16 So I'm going to overrule the objection.

17 MR. FLANNERY: Your Honor, may be I misheard it. I
18 thought the question was -- I thought that question was
19 essentially answered but then the question became a
20 matter of when that happened.

21 THE COURT: I didn't understand.

22 MR. ROBINSON: I didn't get into when. I was just
23 clarifying that those individuals had made a direct
24 observation of Mr. Abdul-Alim in possession of a
25 firearm.

1 MR. FLANNERY: So at this point we're not taking
2 any particular time frame, just talking about that
3 observation. I'm sorry. I withdraw the objection to
4 that.

5 THE COURT: All right.

6 THE WITNESS: The answer to that would be yes then.

7 BY MR. ROBINSON

8 Q. That's with respect to both of the informants?

9 A. Yes.

10 Q. And in terms of how you received the information
11 from these two confidential informants, was this a
12 situation where this information was volunteered to you
13 or was this a situation where the people provided this
14 information as a result of police questioning?

15 Was the information volunteered by the
16 confidential informants or as a result of direct
17 questioning by law enforcement?

18 A. As far as direct questioning, I don't understand
19 what you mean.

20 Q. Let me clarify it. Was this a tip? Did someone
21 call this in and say: I have this information, or was
22 this --

23 A. It was information provided to officers.

24 Q. It was information provided to officers. Okay.

25 When the information was provided to the officers, was

1 it provided in person? Meaning did the confidential
2 informant --

3 A. To investigative detectives, yes.

4 Q. Okay. So, both of these confidential informants
5 met with detectives in person and provided this
6 information?

7 A. The subjects are known subjects.

8 Q. I'm sorry.

9 A. They're known subjects, yes. They met with
10 officers to establish identities.

11 Q. Okay.

12 A. And tips.

13 Q. So there were two known subjects and they met
14 and provided this information to law enforcement in
15 person; is that correct?

16 A. Fair to say.

17 Q. Okay. In terms of this arrest that occurred
18 December 9, 2011, when was it that the information was
19 provided to you by these -- or to law enforcement by
20 these two confidential informants?

21 A. Information was developed within approximately a
22 month beforehand up until the arrest. I don't have a
23 particular time frame on it.

24 Q. When the information was provided by the
25 confidential informants, and there are two, was that

1 information provided as a result of one interview or
2 were there multiple interviews with those confidential
3 informants?

4 A. There were several conversations.

5 Q. Several conversations. True of both informants,
6 several conversations?

7 A. I can't speak to one of them.

8 Q. Okay. So, you were directly involved with
9 conversations with one of the informants; is that
10 correct?

11 A. That's correct to say, yes.

12 Q. We're talking about two different informants.
13 One that just had information about Mr. Abdul-Alim
14 carrying a firearm, was that the informant that you had
15 direct contact with or did you have direct contact with
16 the other informant who had information about the
17 firearm and the gentleman in the white Jeep?

18 MR. FLANNERY: Your Honor, I think we're getting
19 beyond how he's familiar with the defendant at this
20 point. We're getting more into territory that should be
21 explored at a motion to suppress after direct
22 examination by way of cross-examination. I think we're
23 going --

24 THE COURT: I think the purpose of the question is
25 just to try to distinguish between the two informants.

1 So, you know, actually I was going to be -- it would be
2 helpful to me as well to understand which of the
3 informants we're referring to.

4 I don't see how this is going to divulge
5 anything related to their identities. So the objection
6 is overruled. But let me ask a couple of questions and
7 try to --

8 MR. FLANNERY: Yes, your Honor.

9 THE COURT: -- clarify who we're talking about.

10 So, Officer Sheehan, I heard you testify
11 that on December 9, 2012 you relied on information from
12 two informants.

13 THE WITNESS: That's correct.

14 THE COURT: One of the informants had information
15 about a white male operating a Jeep and also information
16 about this defendant; correct?

17 THE WITNESS: That's correct.

18 THE COURT: And the other only had information
19 about this defendant and particularly his carrying a
20 firearm; is that correct?

21 THE WITNESS: Yes.

22 THE COURT: Can we refer to the first person as
23 Informant A and the second as Informant B?

24 THE WITNESS: That's correct.

25 THE COURT: All right. Does that help?

1 MR. ROBINSON: That does help, your Honor.

2 THE COURT: All right. Now the question, you can
3 put the next question.

4 MR. ROBINSON: Okay. I'm sorry, I was making a
5 note. So Informant A is the informant who --

6 THE COURT: Had information about both.

7 MR. ROBINSON: Both.

8 THE COURT: Your client and the gentleman in the
9 white Jeep.

10 BY MR. ROBINSON

11 Q. Okay. So, Officer Sheehan, could you identify
12 which informant you had direct contact with, was it
13 Informant A or B?

14 A. A.

15 Q. Okay. So you had direct contact with the
16 informant who had information that Ayyub Abdul-Alim was
17 carrying a firearm and had information about the white
18 Jeep?

19 A. Yes, sir.

20 Q. And the information from that informant was that
21 Ayyub was in possession of a firearm or was carrying a
22 firearm on his person?

23 A. Both.

24 Q. And in terms of Informant A who we're talking
25 about, have you relied upon Informant A in the past to

1 assist you with investigations?

2 A. No.

3 Q. So Informant A -- well, strike that.

4 Has Informant A provided assistance to law
5 enforcement in any investigations in the past?

6 A. Not to my knowledge.

7 Q. Okay. Now, with respect to Informant B, you
8 never had any direct interactions with Informant B; is
9 that correct?

10 A. That's correct.

11 Q. Other law enforcement personnel in the
12 Springfield Police Department had interaction with --

13 A. That's correct.

14 Q. -- Informant B?

15 And who were those individuals who had --

16 A. Detective Wadlegger.

17 Q. Did Detective Wadlegger share with you
18 information that he had received from Informant B?

19 A. Yes.

20 Q. Did Detective Wadlegger indicate to you whether
21 or not Informant B had made direct observations of
22 Mr. Abdul-Alim in possession of a firearm?

23 A. Yes.

24 Q. And had Informant B made such observations?

25 A. Yes, according to Detective Wadlegger.

1 Q. And did Detective Wadlegger ever indicate to you
2 when that information was relayed to him by Informant
3 B?

4 A. Specifics, it was relatively recent. I don't have
5 a time or a specific date. Within recent relating to the
6 arrest.

7 Q. So, within --

8 A. Within several weeks.

9 Q. Several weeks. Within a month or so?

10 A. Probably less than that.

11 Q. Within a few weeks?

12 A. Within two weeks.

13 THE COURT: Two weeks?

14 THE WITNESS: That's off the top of my head.

15 THE COURT: All right.

16 BY MR. ROBINSON

17 Q. And did Detective Wadlegger indicate to you
18 whether or not Informant B had ever worked with law
19 enforcement in the past?

20 A. Yes.

21 Q. And had Informant B ever worked with law
22 enforcement in the past?

23 A. Yes.

24 Q. And approximately how many investigations did
25 you know Informant B was involved in?

1 A. I'm not sure how many all together. I do know
2 that there was a seizure of contraband and arrest based
3 on his information.

4 Q. And --

5 THE COURT: Sorry to interrupt. I heard there was
6 "a seizure of contraband." What --

7 THE WITNESS: And an arrest based on information
8 provided by Informant B.

9 THE COURT: Thank you.

10 BY MR. ROBINSON

11 Q. Do you know approximately when that seizure and
12 arrest was made?

13 A. Wouldn't be able to. No.

14 Q. And do you know what was seized?

15 A. I believe it was marijuana but I'm not positive.

16 Q. And do you know if anyone was ever charged or
17 and/or convicted as a result of that information?

18 A. As I previously stated, I believe there was an
19 arrest made and I don't know what the outcome of the
20 charges are.

21 Q. All right.

22 MR. ROBINSON: If I could have a moment, your
23 Honor?

24 THE COURT: You may.

25 BY MR. ROBINSON

1 Q. Just to clarify, with respect to Informant A,
2 you mentioned information received from Informant A had
3 been provided to you within a month prior to the
4 arrest; is that correct?

5 A. Yes.

6 Q. Okay. And you had indicated that you had several
7 conversations with Informant A prior to this arrest; is
8 that correct?

9 A. Yes.

10 Q. Okay. Can you recall when the last of those
11 conversations occurred with respect to when this arrest
12 occurred?

13 A. No, I can't.

14 Q. Would it have happened within two weeks of the
15 arrest in this case?

16 A. At this point, within two weeks, sure.

17 Q. Could it have been a longer period of time than
18 two weeks when you had your last interaction with
19 Informant A prior to this arrest?

20 A. I'm not sure what the question is as far as --

21 Q. You indicated that it could have been two
22 weeks --

23 A. Yeah.

24 Q. -- when you last had your interaction with
25 Informant A prior to --

1 A. No, that wasn't the question.

2 Could it have been that I had interaction at
3 least two weeks within that two-week period? Yeah,
4 within two weeks, yes.

5 Q. Okay.

6 A. Are you asking for my last interaction? At that
7 point, I would respectfully ask my attorney or the ADA
8 to --

9 THE COURT: You can object because the problem is
10 I'm going to overrule and you're going to have to answer
11 when your last interaction was because that's
12 discoverable and probative on the basis of knowledge.

13 MR. FLANNERY: So long as the question, I think, is
14 limited to just the last communication, I don't have an
15 objection.

16 THE COURT: Well -- well, the question was --

17 MR. FLANNERY: I think that was the question.

18 THE COURT: Last communication? All right.

19 So, you can put the question again.

20 BY MR. ROBINSON,

21 Q. So, Officer Sheehan, when was the last
22 communication that you had with Informant A prior to
23 Mr. Abdul-Alim's arrest on December 9?

24 A. While he was being stopped by the officers on the
25 scene.

1 Q. All right. Now, you first became aware of
2 Mr. Abdul-Alim as a result of your work on the joint
3 gang task force; is that correct?

4 A. That's correct.

5 Q. Okay. And that was back in February of 2000?

6 A. That's correct.

7 Q. And you had previously indicated that you had
8 several briefings which Mr. Abdul-Alim was discussed;
9 is that correct?

10 A. That's correct.

11 Q. And those were briefings which involved the --
12 those were joint task force briefings; is that correct?

13 A. They are briefings involving the participation of
14 the joint gang task force with an Amherst investigation
15 relating to narcotic which Mr. Abdul-Alim was the target
16 of the investigation.

17 Q. Okay. So, there were FBI agents that were
18 involved in that briefing; is that correct?

19 A. Yes.

20 Q. Okay. Now, you became or -- it would be fair to
21 say that you're familiar with Mr. Abdul-Alim as a
22 result of a number of encounters with him; is that
23 correct?

24 A. That's correct, and other investigations.

25 Q. And you again became aware of Mr. Abdul-Alim

1 because of your work through the joint
2 counter-terrorism task force; correct?

3 A. I initially became aware of him based on the
4 incident with the gang task force in the Amherst arrest.

5 Q. That was your initial introduction to Mr.
6 Abdul-Alim but then later you were also aware of him as
7 a result of what was going on with the joint
8 counter-terrorism task force; is that correct?

9 A. I was familiar with him based on several things,
10 interaction in the community, incident reports filed in
11 the Springfield Police Department, and I'm familiar --
12 with my participation in the joint counterterrorism task
13 force, I was aware of his identity.

14 Q. So, would it be fair to say that he was a person
15 of interest to the joint counter-terrorism task force?

16 A. At this point I'm --

17 MR. FLANNERY: I'm going to object based on your
18 earlier ruling.

19 THE COURT: Sustained.

20 BY MR. ROBINSON

21 Q. Okay. So based upon the various investigations
22 that you were aware of and participated in with respect
23 to Mr. Abdul-Alim, you were aware of where he resided
24 in Springfield; is that correct?

25 A. Yes, I was aware that he resided in the area of

1 685, 687, 683 State Street.

2 Q. Okay. And you were aware that Mr. Abdul-Alim was
3 the property manager at that address?

4 A. I'm aware of that, yes.

5 Q. Okay.

6 A. That he was at one point in time.

7 Q. And you were aware that Mr. Abdul-Alim, he owned
8 a business in that location; is that correct?

9 A. That's correct. All of these observations were
10 noted in that affidavit that I presented in which there
11 was an individual that I identified as Mr. Abdul-Alim
12 who was the suspect in an indecent A and B on a minor
13 under 14 years of age in which the subject was described
14 as being the property manager and the owner of the store
15 that was located on the corner of that address, and at
16 which point the victim was the subject where
17 Mr. Abdul -- the suspect which I later identified --
18 potentially identified as Mr. Abdul-Alim fondled a
19 12-year-old Somali female.

20 THE COURT: Okay. Sir, I'm going to ask you to
21 listen to the question and answer the question.

22 THE WITNESS: Yes.

23 THE COURT: Don't go beyond the scope of the
24 question.

25 THE WITNESS: Yes, sir.

1 BY MR. ROBINSON

2 Q. Getting back to the business that Mr. Abdul-Alim
3 owned, that business was called Natures Garden; is that
4 correct?

5 A. That's correct.

6 Q. And you were also aware that there was an
7 Islamic prayer center located in that building; were
8 you aware of that?

9 A. I believe at one point in time there was.

10 Q. You were aware that Mr. Abdul-Alim organized
11 that prayer center?

12 A. I'm not sure to the extent of his involvement in
13 the total extent. I was aware he was associated with it.

14 THE COURT: Excuse me for a second. One moment.
15 (Interruption in the proceeding)

16 THE COURT: If anybody has a cell phone, please
17 turn it off. When I say "off," I don't mean put on
18 vibrate or some other mode, I mean off.

19 All right. I'm sorry. Put your question
20 again, sir. I didn't hear the question.

21 BY MR. ROBINSON

22 Q. The question was with respect to whether or not
23 Officer Sheehan knew that Mr. Abdul-Alim essentially
24 organized that prayer center that was located in this
25 building?

1 A. I'm not familiar with his total involvement with
2 it. I know he's associated with it. I don't know the
3 extent of what his participation is.

4 Q. You were aware that he had significant ties to
5 the Muslim community?

6 A. I was aware that he's a believer in Islam. I
7 don't know his significance in ties. I don't know what
8 that would entail.

9 Q. And were you aware of his ties to the Muslim
10 community in New York?

11 A. No.

12 Q. Okay. Were you aware of his father's role in the
13 Muslim community?

14 A. I'm aware that his father was somebody that was
15 involved with an Islamic center. I don't know -- I
16 couldn't tell you his name. I don't know what the name
17 of the center is.

18 But I guess the answer would be yes but it's very
19 limited knowledge at least right now.

20 Q. And how was it that you came to be aware of
21 Mr. Ayyub Abdul-Alim's father?

22 MR. FLANNERY: Object to that based on the scope of
23 this hearing.

24 THE COURT: Sustained.

25 BY MR. ROBINSON

1 Q. Now, you have, in terms of the investigations
2 that you've been involved with -- in terms of the
3 investigation -- investigations into Ayyub Abdul-Alim,
4 you've worked with a Special Agent Hisgen?

5 A. Correct.

6 Q. James Hisgen; is that correct?

7 A. That is correct.

8 Q. Special Agent Hisgen, he was present --

9 THE COURT: How is that spelled?

10 MR. ROBINSON: H-I-S-G-I-N I believe.

11 THE WITNESS: G-E-N. H-I-S-G-E-N.

12 THE COURT: Let me interrupt you for a moment. Do
13 you have many more questions?

14 MR. ROBINSON: Yes, your Honor, a few.

15 THE COURT: Okay. It's one o'clock. I'm going to
16 give my staff a break. We'll be in recess for an hour.
17 I'm sorry if anyone is inconvenienced by that.

18 (The Court recessed at 1:03 p.m.)

19

20 (The remainder of the hearing was covered by Patricia
21 Flaherty.)

22

23

24

25

C E R T I F I C A T I O N

I, SARA ADAMS, OFFICIAL COURT REPORTER, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT FROM THE RECORD OF THE COURT PROCEEDINGS IN THE ABOVE ENTITLED MATTER.

I, SARA ADAMS, FURTHER CERTIFY THAT THE FOREGOING IS IN COMPLIANCE WITH THE ADMINISTRATIVE OFFICE OF THE TRIAL COURT DIRECTIVE ON TRANSCRIPT FORMAT, RESERVING MY RIGHT TO PROVIDE AN ELECTRONIC COPY, WHEN REQUESTED, AT THE COPY RATE AS PROVIDED BY THE STATUTE IN CHAPTER 221: SECTION 88, AS AMENDED.

I, SARA ADAMS, FURTHER CERTIFY THAT I NEITHER AM COUNSEL FOR, RELATED TO, NOR EMPLOYED BY ANY OF THE PARTIES TO THE ACTION IN WHICH THIS HEARING WAS TAKEN, AND FURTHER THAT I AM NOT FINANCIALLY NOR OTHERWISE INTERESTED IN THE OUTCOME OF THE ACTION.

Sara Adams
SARA ADAMS, OFFICIAL COURT REPORTER
50 State Street
Springfield, Massachusetts 01103
413-735-6027